

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JOHANNA RUTH BECKETT SMITH, also
known as JOHANNA RUTH BECKETT,
JOHANNA R. SMITH, AND HANNA SMITH

4279 Myerwood Drive #1
Redding, CA 96003

Registered Nurse License No. 547952

Respondent


Case No. 2008-40

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on December 18, 2008.

IT IS SO ORDERED November 18, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGERT
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS, State Bar No. 154990
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-6292
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 JOHANNA RUTH BECKETT SMITH, also
known as JOHANNA RUTH BECKETT,
JOHANNA R. SMITH, AND HANNA SMITH
4279 Myerwood Drive #1, Redding, CA 96003

14 Registered Nurse License No. 547952

15 Respondent.

Case No. 2008-40

16 **STIPULATED SETTLEMENT AND**
17 **DISCIPLINARY ORDER**

18 In the interest of a prompt and speedy settlement of this matter, consistent with the
19 public interest and the responsibility of the Board of Registered Nursing ("Board"), the parties
20 hereby agree to the following Stipulated Settlement and Disciplinary Order which will be
submitted to the Board for approval and adoption as the final disposition of the Accusation.

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") is the Executive Officer of
23 the Board of Registered Nursing ("Board"), Department of Consumer Affairs. She brought this
24 action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr.,
25 Attorney General of the State of California, by Jeffrey M. Phillips, Deputy Attorney General.

26 2. Respondent Johanna Ruth Beckett Smith, also known as Johanna Ruth
27 Beckett, Johanna R. Smith, and Hanna Smith ("Respondent") is represented in this proceeding by

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1 attorney Scott M. Hutchison, Esq., of Simas & Hutchison, Ltd., whose address is 1215 K Street,
2 17th Floor, Sacramento, CA 95814.

3 3. On or about September 14, 1998, the Board issued Registered Nurse
4 License No. 547952 to Respondent. The Registered Nurse License was in full force and effect at
5 all times relevant to the charges brought in Accusation No. 2008-40 and will expire on July 31,
6 2008, unless renewed.

7 JURISDICTION

8 4. Accusation No. 2008-40 was filed before the Board and is currently
9 pending against Respondent. The Accusation and all other statutorily required documents were
10 properly served on Respondent on or about August 9, 2007. Respondent timely filed her Notice
11 of Defense contesting the Accusation. A copy of Accusation No. 2008-40 is attached hereto as
12 Exhibit A and incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, fully discussed with her legal counsel, and
15 understands the charges and allegations in Accusation No. 2008-40. Respondent has also
16 carefully read, fully discussed with her legal counsel, and understands the effects of this
17 Stipulated Settlement and Disciplinary Order.

18 6. Respondent is fully aware of her legal rights in this matter, including the
19 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
20 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
21 the right to present evidence and to testify on her own behalf; the right to the issuance of
22 subpoenas to compel the attendance of witnesses and the production of documents; the right to
23 reconsideration and court review of an adverse decision; and all other rights accorded by the
24 California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
26 each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation No. 2008-40.

4 9. Respondent agrees that her Registered Nurse is subject to discipline and
5 she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
6 Order below.

7 RESERVATION

8 10. The admissions made by Respondent herein are only for the purposes of
9 this proceeding, or any other proceedings in which the Board or other professional licensing
10 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

11 CONTINGENCY

12 11. The parties understand and agree that facsimile copies of this Stipulated
13 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
14 force and effect as the originals.

15 12. In consideration of the foregoing admissions and stipulations, the parties
16 agree that the Board may, without further notice or formal proceeding, issue and enter the
17 following Disciplinary Order:

18 DISCIPLINARY ORDER

19 IT IS HEREBY ORDERED that Registered Nurse License No. 547952 issued to
20 Respondent is revoked. However, the revocation is stayed and Respondent is placed on
21 probation for three (3) years on the following terms and conditions.

22 **Severability Clause.** Each condition of probation contained herein is a separate
23 and distinct condition. If any condition of this Order, or any application thereof, is declared
24 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
25 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
26 and enforceable to the fullest extent permitted by law.

27 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
28 A full and detailed account of any and all violations of law shall be reported by Respondent to

1 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
2 compliance with this condition, Respondent shall submit completed fingerprint forms and
3 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
4 as part of the licensure application process.

5 **Criminal Court Orders:** If Respondent is under criminal court orders, including
6 probation or parole, and the order is violated, this shall be deemed a violation of these probation
7 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

8 2. **Comply with the Board's Probation Program.** Respondent shall fully
9 comply with the conditions of the Probation Program established by the Board and cooperate
10 with representatives of the Board in its monitoring and investigation of the Respondent's
11 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
12 within no more than 15 days of any address change and shall at all times maintain an active,
13 current license status with the Board, including during any period of suspension. Upon
14 successful completion of probation, Respondent's license shall be fully restored.

15 3. **Report in Person.** Respondent, during the period of probation, shall
16 appear in person at interviews/meetings as directed by the Board or its designated
17 representatives.

18 4. **Residency, Practice, or Licensure Outside of State.** Periods of
19 residency or practice as a registered nurse outside of California shall not apply toward a reduction
20 of this probation time period. Respondent's probation is tolled, if and when she resides outside
21 of California. Respondent must provide written notice to the Board within 15 days of any change
22 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
23 returning to practice in this state.

24 Respondent shall provide a list of all states and territories where she has ever been
25 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
26 provide information regarding the status of each license and any changes in such license status
27 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
28 new nursing license during the term of probation.

1 **5. Submit Written Reports.** Respondent, during the period of probation,
2 shall submit or cause to be submitted such written reports/declarations and verification of actions
3 under penalty of perjury, as required by the Board. These reports/declarations shall contain
4 statements relative to Respondent's compliance with all the conditions of the Board's Probation
5 Program. Respondent shall immediately execute all release of information forms as may be
6 required by the Board or its representatives.

7 Respondent shall provide a copy of this Decision to the nursing regulatory agency
8 in every state and territory in which she has a registered nurse license.

9 **6. Function as a Registered Nurse.** Respondent, during the period of
10 probation, shall engage in the practice of registered nursing in California for a minimum of 24
11 hours per week for 6 consecutive months or as determined by the Board. For purposes of
12 compliance with the section, "engage in the practice of registered nursing" may include, when
13 approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient
14 care position that requires licensure as a registered nurse. The Board may require that advanced
15 practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6
16 consecutive months or as determined by the Board.

17 If Respondent has not complied with this condition during the probationary term,
18 and Respondent has presented sufficient documentation of her good faith efforts to comply with
19 this condition, and if no other conditions have been violated, the Board, in its discretion, may
20 grant an extension of Respondent's probation period up to one year without further hearing in
21 order to comply with this condition. During the one year extension, all original conditions of
22 probation shall apply.

23 **7. Employment Approval and Reporting Requirements.** Respondent
24 shall obtain prior approval from the Board before commencing or continuing any employment,
25 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
26 performance evaluations and other employment related reports as a registered nurse upon request
27 of the Board. Respondent shall provide a copy of this Decision to her employer and immediate
28 supervisors prior to commencement of any nursing or other health care related employment.

1 In addition to the above, Respondent shall notify the Board in writing within
2 seventy-two (72) hours after she obtains any nursing or other health care related employment.
3 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
4 terminated or separated, regardless of cause, from any nursing, or other health care related
5 employment with a full explanation of the circumstances surrounding the termination or
6 separation.

7 8. **Supervision.** Respondent shall obtain prior approval from the Board
8 regarding Respondent's level of supervision and/or collaboration before commencing or
9 continuing any employment as a registered nurse, or education and training that includes patient
10 care. Respondent shall practice only under the direct supervision of a registered nurse in good
11 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
12 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
13 approved.

14 Respondent's level of supervision and/or collaboration may include, but is not
15 limited to the following:

16 (a) Maximum - The individual providing supervision and/or collaboration is
17 present in the patient care area or in any other work setting at all times.

18 (b) Moderate - The individual providing supervision and/or collaboration is in
19 the patient care unit or in any other work setting at least half the hours Respondent works.

20 (c) Minimum - The individual providing supervision and/or collaboration has
21 person-to-person communication with Respondent at least twice during each shift worked.

22 (d) Home Health Care - If Respondent is approved to work in the home health
23 care setting, the individual providing supervision and/or collaboration shall have person-to-
24 person communication with Respondent as required by the Board each work day. Respondent
25 shall maintain telephone or other telecommunication contact with the individual providing
26 supervision and/or collaboration as required by the Board during each work day. The individual
27 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
28 site visits to patients' homes visited by Respondent with or without Respondent present.

1 9. **Employment Limitations.** Respondent shall not work for a nurse's
2 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
3 traveling nurse, or for an in-house nursing pool.

4 Respondent shall not work for a licensed home health agency as a visiting nurse
5 unless the registered nursing supervision and other protections for home visits have been
6 approved by the Board. Respondent shall not work in any other registered nursing occupation
7 where home visits are required.

8 Respondent shall not work in any health care setting as a supervisor of registered
9 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
10 nurses and/or unlicensed assistive personnel on a case-by-case basis.

11 Respondent shall not work as a faculty member in an approved school of nursing
12 or as an instructor in a Board approved continuing education program.

13 Respondent shall work only on a regularly assigned, identified and predetermined
14 worksite(s) and shall not work in a float capacity.

15 If Respondent is working or intends to work in excess of 40 hours per week, the
16 Board may request documentation to determine whether there should be restrictions on the hours
17 of work.

18 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
19 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
20 than six months prior to the end of her probationary term.

21 Respondent shall obtain prior approval from the Board before enrolling in the
22 course(s). Respondent shall submit to the Board the original transcripts or certificates of
23 completion for the above required course(s). The Board shall return the original documents to
24 Respondent after photocopying them for its records.

25 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
26 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
27 amount of \$ 2,000. Respondent shall be permitted to pay these costs in a payment plan

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1 approved by the Board, with payments to be completed no later than three months prior to the
2 end of the probation term.

3 If Respondent has not complied with this condition during the probationary term,
4 and Respondent has presented sufficient documentation of her good faith efforts to comply with
5 this condition, and if no other conditions have been violated, the Board, in its discretion, may
6 grant an extension of Respondent's probation period up to one year without further hearing in
7 order to comply with this condition. During the one year extension, all original conditions of
8 probation will apply.

9 12. **Violation of Probation.** If Respondent violates the conditions of her
10 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
11 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
12 license.

13 If during the period of probation, an accusation or petition to revoke probation has
14 been filed against Respondent's license or the Attorney General's Office has been requested to
15 prepare an accusation or petition to revoke probation against Respondent's license, the
16 probationary period shall automatically be extended and shall not expire until the accusation or
17 petition has been acted upon by the Board.

18 13. **License Surrender.** During Respondent's term of probation, if she ceases
19 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
20 probation, Respondent may surrender her license to the Board. The Board reserves the right to
21 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
22 take any other action deemed appropriate and reasonable under the circumstances, without
23 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
24 will no longer be subject to the conditions of probation.

25 Surrender of Respondent's license shall be considered a disciplinary action and
26 shall become a part of Respondent's license history with the Board. A registered nurse whose
27 license has been surrendered may petition the Board for reinstatement no sooner than the
28 following minimum periods from the effective date of the disciplinary decision:

1 (1) Two years for reinstatement of a license that was surrendered for any
2 reason other than a mental or physical illness; or

3 (2) One year for a license surrendered for a mental or physical illness.

4 14. **Physical Examination.** Within 45 days of the effective date of this
5 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
6 physician assistant, who is approved by the Board before the assessment is performed, submit an
7 assessment of the Respondent's physical condition and capability to perform the duties of a
8 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
9 medically determined, a recommended treatment program will be instituted and followed by the
10 Respondent with the physician, nurse practitioner, or physician assistant providing written
11 reports to the Board on forms provided by the Board.

12 If Respondent is determined to be unable to practice safely as a registered nurse,
13 the licensed physician, nurse practitioner, or physician assistant making this determination shall
14 immediately notify the Board and Respondent by telephone, and the Board shall request that the
15 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
16 shall immediately cease practice and shall not resume practice until notified by the Board.
17 During this period of suspension, Respondent shall not engage in any practice for which a license
18 issued by the Board is required until the Board has notified Respondent that a medical
19 determination permits Respondent to resume practice. This period of suspension will not apply
20 to the reduction of this probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within
22 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
23 practice until notified by the Board. This period of suspension will not apply to the reduction of
24 this probationary time period. The Board may waive or postpone this suspension only if
25 significant, documented evidence of mitigation is provided. Such evidence must establish good
26 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
27 provided. Only one such waiver or extension may be permitted.

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1 **15. Participate in Treatment/Rehabilitation Program for Chemical**
2 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
3 period or shall have successfully completed prior to commencement of probation a Board-
4 approved treatment/rehabilitation program of at least six months duration. As required, reports
5 shall be submitted by the program on forms provided by the Board. If Respondent has not
6 completed a Board-approved treatment/rehabilitation program prior to commencement of
7 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
8 a program. If a program is not successfully completed within the first nine months of probation,
9 the Board shall consider Respondent in violation of probation.

10 Based on Board recommendation, each week Respondent shall be required to
11 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
12 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
13 by the Board. If a nurse support group is not available, an additional 12-step meeting or
14 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
15 such attendance to the Board during the entire period of probation. Respondent shall continue
16 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
17 mental health examiner and/or other ongoing recovery groups. Respondent may submit the
18 names of providers and a program for approval by the Board.

19 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
20 shall completely abstain from the possession, injection or consumption by any route of all
21 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
22 the same are ordered by a health care professional legally authorized to do so as part of
23 documented medical treatment. Respondent shall have sent to the Board, in writing and within
24 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
25 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
26 medication will no longer be required, and the effect on the recovery plan, if appropriate.

27 Respondent shall identify for the Board a single physician, nurse practitioner or
28 physician assistant who shall be aware of Respondent's history of substance abuse and will

1 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
2 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
3 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
4 condition. If any substances considered addictive have been prescribed, the report shall identify a
5 program for the time limited use of any such substances.

6 The Board may require the single coordinating physician, nurse practitioner, or
7 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
8 addictive medicine.

9 17. **Submit to Tests and Samples.** Respondent, at her expense, shall
10 participate in a random, biological fluid testing or a drug screening program which the Board
11 approves. The length of time and frequency will be subject to approval by the Board.
12 Respondent is responsible for keeping the Board informed of Respondent's current telephone
13 number at all times. Respondent shall also ensure that messages may be left at the telephone
14 number when she is not available and ensure that reports are submitted directly by the testing
15 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
16 to the Board by the program and Respondent shall be considered in violation of probation.

17 In addition, Respondent, at any time during the period of probation, shall fully
18 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
19 tests and samples as the Board or its representatives may require for the detection of alcohol,
20 narcotics, hypnotics, dangerous drugs, or other controlled substances.

21 If Respondent has a positive drug screen for any substance not legally authorized
22 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
23 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
24 from practice pending the final decision on the petition to revoke probation or the accusation.
25 This period of suspension will not apply to the reduction of this probationary time period.

26 If Respondent fails to participate in a random, biological fluid testing or drug
27 screening program within the specified time frame, Respondent shall immediately cease practice
28 and shall not resume practice until notified by the Board. After taking into account documented

1 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
2 Board may suspend Respondent from practice pending the final decision on the petition to
3 revoke probation or the accusation. This period of suspension will not apply to the reduction of
4 this probationary time period.

5 18. **Mental Health Examination.** Respondent shall, within 45 days of the
6 effective date of this Decision, have a mental health examination, including psychological
7 testing, as appropriate, to determine her capability to perform the duties of a registered nurse.
8 The examination will be performed by a psychiatrist, psychologist or other licensed mental health
9 practitioner approved by the Board. The examining mental health practitioner will submit a
10 written report of that assessment and recommendations to the Board. All costs are the
11 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
12 result of the mental health examination will be instituted and followed by Respondent.

13 If Respondent is determined to be unable to practice safely as a registered nurse,
14 the licensed mental health care practitioner making this determination shall immediately notify
15 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
16 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
17 practice and may not resume practice until notified by the Board. During this period of
18 suspension, Respondent shall not engage in any practice for which a license issued by the Board
19 is required, until the Board has notified Respondent that a mental health determination permits
20 Respondent to resume practice. This period of suspension will not apply to the reduction of this
21 probationary time period.

22 If Respondent fails to have the above assessment submitted to the Board within
23 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
24 practice until notified by the Board. This period of suspension will not apply to the reduction of
25 this probationary time period. The Board may waive or postpone this suspension only if
26 significant, documented evidence of mitigation is provided. Such evidence must establish good
27 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
28 provided. Only one such waiver or extension may be permitted.


1 Respondent may submit names of mental health practitioners for approval by the
2 Board.

3 19. **Therapy or Counseling Program.** Respondent, at her expense, shall
4 participate in an on-going counseling program until such time as the Board releases her from this
5 requirement and only upon the recommendation of the counselor. Written progress reports from
6 the counselor will be required at various intervals. Respondent may submit the names of
7 providers to be considered by the Board to provide the therapy or counseling required by the
8 Board.

9 ACCEPTANCE

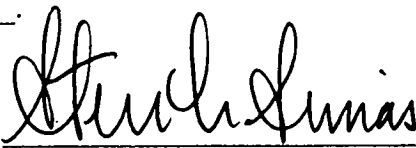
10 I have carefully read the above Stipulated Settlement and Disciplinary Order and
11 have fully discussed it with my attorney. I understand the stipulation and the effect it will have
12 on my Registered Nurse, and license. I enter into this Stipulated Settlement and Disciplinary
13 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
14 of the Board of Registered Nursing.

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16 DATED: 8/19/08

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19 JOHANNA RUTH BECKETT SMITH, also known as
20 JOHANNA RUTH BECKETT, JOHANNA R. SMITH,
AND HANNA SMITH
Respondent

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22 I have read and fully discussed with Respondent Johanna Ruth Beckett Smith, aka
23 Johanna Ruth Beckett the terms and conditions and other matters contained in the above
24 Stipulated Settlement and Disciplinary Order. I approve its form and content.

25 DATED: 8/19/08

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28 SCOTT M. HUTCHISON, ESQ.
Attorney for Respondent

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ENDORSEMENT

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The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
submitted for consideration by the Board of Registered Nursing.

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DATED: 8.25.08

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EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR D. TAGGERT
Supervising Deputy Attorney General

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JEFFREY M. PHILLIPS
Deputy Attorney General
Attorneys for Complainant

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DOJ Matter ID: SA2006102921
30504098.wpd

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Exhibit A
Accusation No. 2008-40

1 EDMUND G. BROWN, JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS, State Bar No. 154990
Deputy Attorney General
4 California Department of Justice
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6 Telephone: (916) 324-6292
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7 Attorneys for Complainant

8
9 **BEFORE THE**
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
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12 In the Matter of the Accusation Against:

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14 JOHANNA R. SMITH, aka
HANNA SMITH
15 4279 Myerwood Drive #1, Redding, CA 96003

A C C U S A T I O N

16 Registered Nurse License No. 547952

17 Respondent.
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 **License History**

25 2. On or about September 14, 1998, the Board issued Registered Nurse
26 License Number 547952 ("license") to Johanna Ruth Beckett Smith, also known as Johanna Ruth
27 Beckett, Johanna R. Smith, and Hanna Smith ("Respondent"). The license will expire on
28 July 31, 2008, unless renewed.

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1 (c) Be convicted of a criminal offense involving the
2 prescription, consumption, or self-administration of any of the substances
3 described in subdivisions (a) and (b) of this section, or the possession of,
4 or falsification of a record pertaining to, the substances described in
5 subdivision (a) of this section, in which event the record of the conviction
6 is conclusive evidence thereof.

7 COST RECOVERY

8 8. Code section 125.3 provides, in pertinent part, that the Board may request
9 the administrative law judge to direct a licentiate found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 FIRST CAUSE FOR DISCIPLINE

13 (Criminal Convictions)

14 9. Respondent is subject to disciplinary action under Code section 2761,
15 subdivision (f), in that she has been convicted of crimes substantially related to the qualifications,
16 functions and duties of a registered nurse, as follows:

17 a. On or about September 26, 2006, in the Superior Court of California,
18 County of Tehama, in the case entitled, *People of the State of California v. Johanna Ruth Smith*
19 (Super. Ct. Tehama County, 2006, Case No. SCR26604), Respondent was convicted by the court
20 on her plea of no contest of violating Vehicle Code section 23152, subdivision (b), (Drive a
21 Vehicle While Having .08 Percent or Higher Blood Alcohol Content, with a Prior), a
22 misdemeanor. The circumstances of the crime are that on or about March 9, 2006, Respondent
23 did willfully and unlawfully, while having .08% percent or more alcohol content in her blood,
24 drive a vehicle.

25 b. On or about October 3, 2003, in the Superior Court of California, County
26 of Shasta, in the case entitled, *People of the State of California v. Johanna Ruth Smith* (Super.
27 Ct. Shasta County, 2003, Case No. MCRDCRTR 03002975), Respondent was convicted by the
28 court on her plea of guilty of violating Vehicle Code section 23152, subdivision (b), (Drive a
Vehicle While Having .08 Percent or Higher Blood Alcohol Content), a misdemeanor. The

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1 circumstances of the crime are that on or about March 16, 2003, Respondent did willfully and
2 unlawfully, while having .08% percent or more alcohol content in her blood, drive a vehicle.

3 c. On or about October 3, 2003, in the Superior Court of California, County
4 of Shasta, in the case entitled, *People of the State of California v. Johanna Ruth Smith* (Super.
5 Ct. Shasta County, 2003, Case No. MCRDCRM 030001152), Respondent was convicted by the
6 court on her plea of nolo contendere of violating Penal Code section 647, subdivision (f),
7 (Public Intoxication), a misdemeanor. The circumstances of the crime are that on or about
8 January 22, 2003, Respondent did willfully and unlawfully be in a public place under the
9 influence of intoxicating liquor.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Conviction of a Crime Involving the Consumption of Alcohol and/or Drugs)**

12 10. Respondent is subject to disciplinary action under Code section 2761,
13 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
14 subdivision (c), in that Respondent was convicted of crimes involving the consumption of
15 alcoholic beverages, as set forth in paragraph 9, above.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Use an Alcoholic Beverage and a Controlled Substance
18 in a Manner Dangerous or Injurious)**

19 11. Respondent is subject to disciplinary action under Code section 2761,
20 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
21 subdivision (b), as follows:

22 a. On January 22, 2003, and March 16, 2003, and March 9, 2006, Respondent
23 used alcoholic beverages to an extent or in a manner dangerous or injurious to herself, any other
24 person, or to the public, as set forth in paragraph 9, above.

25 b. On November 18, 2005, while participating in the Board's Diversion
26 Program for use of alcohol and/or drugs, Respondent tested positive for Benzodiazepines, a
27 controlled substances, in violation of her contract with the Board's Diversion Program, and in
28 violation of law.

1 **MATTERS IN AGGRAVATION**

2 12. During participation in the Board's Diversion Program for use of alcohol
3 and/or drugs, Respondent failed the program, as the following events occurred:

4 a. On or about August 12, 2003, Respondent became a participant in the
5 Board's Diversion Program.

6 b. On or about November 18, 2005, Respondent tested positive for
7 Benzodiazepines, a controlled substances, in violation of her contract with the Board's Diversion
8 Program.

9 c. On January 31, 2006, Respondent advised the committee that she wanted
10 out of the program.

11 d. On or about February 8, 2006, Respondent was terminated from the
12 program for unsuccessful completion of the program and for a being a public threat.

13 **PRAYER**

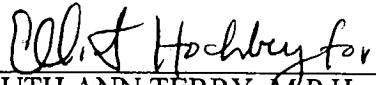
14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse Number 547952, issued to
17 Johanna Ruth Beckett Smith, aka Johanna Ruth Beckett, Johanna R. Smith, and Hanna Smith;

18 2. Ordering Johanna Ruth Beckett Smith, aka Johanna Ruth Beckett,
19 Johanna R. Smith, and Hanna Smith, to pay the Board the reasonable costs of the investigation
20 and enforcement of this case pursuant to Code section 125.3; and,

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 8/3/07

23
24 
25 RUTH ANN TERRY, M.P.H., R.N.
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant